

09
as 14.09.2021

C.O. 1080 of 2021

**Smt. Srabani Bera
Vs.
Sri Madhusudan Chatterjee & Anr.**

Mr. Dilip Kr. Sinha.

...for the Petitioner.

The Court is approached under Article 227 of the Constitution of India soliciting a direction to ensure expeditious disposal of Judicial Misc. Case being No.23 of 2015 arising out of Title Suit No.198 of 2015.

Admittedly, an ex-parte decree was there, which was challenged by taking out an application under Order IX Rule 13 of the Code of Civil Procedure. It was initially numbered as Judicial Misc. Case No.22 of 2013, and subsequently re-numbered as Judicial Misc. Case No.23 of 2015 on transfer, now pending before the Civil Judge (Senior Division), Haldia.

Mr. Dilip Kr. Sinha, learned Advocate representing the petitioner/defendant submits that several dates have been adjourned to conclude the argument, on the prayer of the opposite parties, but till date the pending Judicial Misc. Case has not been disposed of resulting in serious prejudice

and thereby adversely affecting the valuable rights of the petitioner/defendant.

The point thus requires to be addressed is very short and simple requiring no extensive hearing, and the same may even be disposed of without inviting the presence of the opposite parties.

Accordingly, service upon the opposite party/plaintiff stands dispensed with.

Since the Judicial Misc. Case is appearing at the argument stage, a direction is thus felt necessary in the interest of ensuring expeditious disposal having regard to the long pendency of Judicial Misc. Case.

Having considered the submission of the learned Advocate for the petitioner, learned Civil Judge (Senior Division), Haldia in Judicial Misc. Case No.23 of 2015, is directed to dispose of the referred Misc. Case as expeditiously as possible, so that logical conclusion of the Judicial Misc. Case may be reached at an early date.

In doing such exercise, learned Court below is directed to give appropriate opportunity of hearing to both the parties, but without granting unnecessary adjournment, unless it is extremely unavoidable.

Petitioner is directed to communicate this order to the opposite party/plaintiff and his learned Advocate appearing in the court below as well as the learned Court below so that the date scheduled may be effectively utilised in the interest of ensuring expeditious disposal.

With this observation and direction, the revisional application stands disposed of.

Urgent xerox certified copy of this order be given to the parties on usual undertaking.

(Subhasis Dasgupta, J.)